

## CODIFICATION

Pub. L. 94-371, § 7, July 26, 1976, 90 Stat. 1038, redesignated title V of Pub. L. 91-616, which was classified to subchapter IV of this chapter, as title VI without renumbering the sections therein. Section 502 of Pub. L. 91-616 was renumbered 602, as the probable intent of Congress.

**§ 4593. Payments**

Payments under this chapter may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(Pub. L. 91-616, title VI, § 603, formerly title V, § 503, Dec. 31, 1970, 84 Stat. 1855, renumbered Pub. L. 94-371, § 7, July 26, 1976, 90 Stat. 1038.)

## CODIFICATION

Pub. L. 94-371, § 7, July 26, 1976, 90 Stat. 1038, redesignated title V of Pub. L. 91-616, which was classified to subchapter IV of this chapter, as title VI without renumbering the sections therein. Section 503 of Pub. L. 91-616 was renumbered 603, as the probable intent of Congress.

**§ 4594. Contract authority in appropriation Acts**

The authority of the Secretary to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

(Pub. L. 91-616, title VI, § 604, as added Pub. L. 96-180, § 17, Jan. 2, 1980, 93 Stat. 1306.)

# **CHAPTER 61—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS**

## **SUBCHAPTER I—GENERAL PROVISIONS**

- |   |   |
|---|---|
| Sec.<br>4601.<br>4602.<br>4603.<br><br>4604.<br><br><br>4605. | Definitions.<br>Effect upon property acquisition.<br>Additional appropriations for moving costs, relocation benefits and other expenses incurred in acquisition of lands for National Park System; waiver of benefits.<br>Certification.<br>(a) Acceptance of State agency certification.<br>(b) Promulgation of regulations; notice and comment; consultation with local governments.<br>(c) Effect of noncompliance with certification or with applicable law.<br>Displaced persons not eligible for assistance.<br>(a) In general.<br>(b) Determinations of eligibility.<br>(c) Exceptional and extremely unusual hardship.<br>(d) Limitation on statutory construction. |
|---|---|

## **SUBCHAPTER II—UNIFORM RELOCATION ASSISTANCE**

- |                    |   |
|--------------------|---|
| 4621.<br><br>4622. | Declaration of findings and policy.<br>(a) Findings.<br>(b) Policy.<br>(c) Congressional intent.<br>Moving and related expenses.<br>(a) General provision.<br>(b) Displacement from dwelling; election of payments: expense and dislocation allowance.<br>(c) Displacement from business or farm operation; election of payments; minimum and maximum amounts; eligibility. |
|--------------------|---|

## Sec.

- |  |   |
|--|---|
| 4623.<br>4624.<br>4625.<br><br><br><br><br><br><br>4626.<br>4627.<br><br>4628.<br>4629.<br><br>4630.<br><br>4631.<br><br><br>4632.<br><br>4633.<br><br><br>4634.<br>4635.<br>4636.<br><br>4637.<br>4638. | (d) Certain utility relocation expenses.<br>Replacement housing for homeowner; mortgage insurance.<br>Replacement housing for tenants and certain others.<br>Relocation planning, assistance coordination, and advisory services.<br>(a) Planning of programs or projects undertaken by Federal agencies or with Federal financial assistance.<br>(b) Availability of advisory services.<br>(c) Measures, facilities, or services; description.<br>(d) Coordination of relocation activities with other Federal, State, or local governmental actions.<br>(e) Selection of implementation procedures.<br>(f) Tenants occupying property acquired for programs or projects; eligibility for advisory services.<br>Housing replacement by Federal agency as last resort.<br>State required to furnish real property incident to Federal assistance (local cooperation).<br>State acting as agent for Federal program.<br>Public works programs and projects of District of Columbia government and Washington Metropolitan Area Transit Authority.<br>Requirements for relocation payments and assistance of federally assisted program; assurances of availability of housing.<br>Federal share of costs.<br>(a) Cost to displacing agency; eligibility.<br>(b) Comparable payments under other laws.<br>(c) Agreements prior to January 2, 1971; advancements.<br>Administration; relocation assistance in programs receiving Federal financial assistance.<br>Duties of lead agency.<br>(a) General provisions.<br>(b) Regulations and procedures.<br>(c) Applicability to Tennessee Valley Authority and Rural Electrification Administration.<br>Repealed.<br>Planning and other preliminary expenses for additional housing.<br>Payments not to be considered as income for revenue purposes or for eligibility for assistance under Social Security Act or other Federal law.<br>Repealed.<br>Transfers of surplus property. |
|--|---|

## **SUBCHAPTER III—UNIFORM REAL PROPERTY ACQUISITION POLICY**

- |   |   |
|---|---|
| 4651.<br>4652.<br>4653.<br>4654.<br><br>4655. | Uniform policy on real property acquisition practices.<br>Buildings, structures, and improvements.<br>Expenses incidental to transfer of title to United States.<br>Litigation expenses.<br>(a) Judgment for owner or abandonment of proceedings.<br>(b) Payment.<br>(c) Claims against United States.<br>Requirements for uniform land acquisition policies; payments of expenses incidental to transfer of real property to State; payment of litigation expenses in certain cases. |
|---|---|

## **CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 1437e, 1437p, 5181, 5304, 11503 of this title; title 16 sections 410uu-1, 460o-1, 429b-2; title 23 sections 108, 133, 182; title 25 sec-

tion 640d-14; title 40 sections 616, 875, 877; title 43 sections 1578, 1598; title 49 section 70304.

## SUBCHAPTER I—GENERAL PROVISIONS

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 4633 of this title.

### § 4601. Definitions

As used in this chapter—

(1) The term “Federal agency” means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.

(2) The term “State” means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term “State agency” means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of 2 or more States or of 2 or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.

(4) The term “Federal financial assistance” means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance, any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual, and any annual payment or capital loan to the District of Columbia.

(5) The term “person” means any individual, partnership, corporation, or association.

(6)(A) The term “displaced person” means, except as provided in subparagraph (B)—

(i) any person who moves from real property, or moves his personal property from real property—

(I) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

(II) on which such person is a residential tenant or conducts a small business, a farm operation, or a business defined in paragraph (7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the head of the displacing agency determines that such displacement is permanent; and

(ii) solely for the purposes of sections 4622(a) and (b) and 4625 of this title, any person who moves from real property, or moves his personal property from real property—

(I) as a direct result of a written notice of intent to acquire or the acquisition of other

real property, in whole or in part, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; or

(II) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which such person conducts a business or a farm operation, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

(B) The term “displaced person” does not include—

(i) a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this chapter;

(ii) in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(7) The term “business” means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 4622 of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term “farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.

(9) The term “mortgage” means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(10) The term “comparable replacement dwelling” means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent; (E) in an area not subject to unreasonable adverse environmental conditions; and